

Communities Against Gatwick Noise Emissions (CAGNE)
Gatwick Airport Northern Runway project DCO application
PINS Reference Number: TR020005

WRITTEN REPRESENTATIONS ON BEHALF OF CAGNE
DEADLINE 1 (12 March 2024)

INTRODUCTION

1. CAGNE is the umbrella aviation and community group for Sussex, Surrey, and Kent formed in February 2014. When it comes to Gatwick Airport operations, CAGNE seeks to be fair to all communities and the planet. CAGNE has a strong online presence and a membership of over 5,000 and has played an active role throughout this process and that of the Airport Commission work in 2015.
2. CAGNE objects to the Gatwick Airport Limited's (the "Applicant") application for a development consent order for the Gatwick Airport Northern Runway project (the "Application" / "Development"). CAGNE submitted its relevant representations ("CAGNE's RRs") to the Examining Authority ("ExA") in Autumn 2023, which set out (in high-level terms) the main reasons for its objection. The contents of CAGNE's RRs are maintained in full and failure to mention here any point raised in CAGNE's RRs must not be read as CAGNE no longer pursuing that point.
3. These written representations provide further detail of CAGNE's position on a number of points raised in CAGNE's RRs, most notably on matters of policy compliance and need. These representations will be supplemented with responses to the ExA's questions and with further written submissions after any issue specific hearings ("ISH").
4. CAGNE has appointed independent experts in relation (i) noise, (ii) surface transport and (iii) air quality. Those experts have produced individual expert reports on these

topics, on which CAGNE relies in full [see Appendices 1-3]. CAGNE has also produced its own evidence-based reports on (i) socio-economic matters, including jobs creation and housing markets, (ii) flooding and sewage issues and (iii) cargo [see Appendices 12-14] (which, again, CAGNE relies on in full). Short summaries of these reports are provided below, but the ExA is requested to consider the full reports on these topics.

5. Furthermore, CAGNE is mindful of the significant level of objection to this Application and the expected desire, by the ExA, to avoid repetition of material. With this in mind, CAGNE supports and adopts in full both the submissions by the Aviation Environment Federation (“AEF”) (RR-0407) and the New Economics Foundation (“NEF”) (RR-3251) on the Development’s climate impacts – the unacceptable climate impacts of the Development remaining a key objection for CAGNE (as set out in CAGNE’s RRs). Likewise, CAGNE supports and adopts in full NEF’s submissions on the economic and wider benefit – cost impacts of the Development (RR-3251).

CONFLICT WITH NATIONAL POLICY

A. Summary

6. The Government’s policy on airport expansion – and specifically airport expansion in the south east of England – is set out in (i) the “Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England” (“ANPS”) and (ii) the “Beyond the horizon – The future of UK aviation – Making best use of existing runways” (“MBU”) policy statements (both of which were published in June 2018). To the extent that either policy applies (addressed below at §§11-46), the Application does not comply with this policy. That non-compliance is a key issue which the ExA must duly weigh into its decision-making.
7. In addition, to use the wording of s.104 of the PA 2008, this is a case where a national policy statement has effect, namely the National Networks National Policy Statement (“NNNPS”). While, for the reasons set out above, these representations focus on the

issue of conflict with the ANPS, following further hearings and questions from the ExA CAGNE may need to make further representations on NNNPS policy.

B. Law on policy interpretation

8. The law on policy interpretation is well-settled. In short, the interpretation of policy is a matter of law, which is reviewable in the courts: **Tesco Stores Ltd v Dundee City Council** [2012] UKSC 13 per Lord Reed at [17]-[23]; **Suffolk Coastal District Council v Hopkins Homes** [2017] UKSC 37 per Lord Carnwath at [22]-[26]). While open-textured words may not be susceptible to strict or rigorous interpretation, relatively specific words and policies should be interpreted objectively, in accordance with the natural meaning of the language, read in their proper context: **R (Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council** [2020] UKSC 3 at [21]. These general principles apply to interpreting national planning policy in the context of the PA 2008: **R (ClientEarth) v SSBEIS** [2021] EWCA Civ 43 per Lindblom LJ at [56]. In essence, statements of policy are to be read objectively in accordance with the language used and read in its proper context: **R (Substation Action Save East Suffolk Ltd) v SSESNZ et anr** [2024] EWCA Civ 12 at [40], citing **R (Scarisbrick) v SSCLG** [2017] EWCA Civ 797 at [19].
9. While policies are not statutes and so should not be construed as such, analogous methods of interpretation can be applied in order to make sense of the policy: **R (Rights Community Action Ltd v SSLUHC** [2024] EWHC 359 (Admin) at [75ff]. Accordingly, where a policy uses different words, they are presumed to have different meanings: see for example **R (Kinnersley) v Maidstone Borough Council** [2023] EWCA Civ 172 at [22].
10. Of course, the application of policy is then a matter of planning judgment, but that policy must be properly interpreted before it can be applied (see **Tesco Stores** and **Scarisbrick** above).

C. Policy

(1) ANPS

Application of the ANPS to the Development:

11. The ANPS is the primary basis for decision making on development consent applications for a Northwest Runway at Heathrow Airport, but (as stated at numerous points in the document) it “will be an important and relevant consideration in respect of applications for new runway capacity and other airport infrastructure in London and the South East of England”: ANPS paragraphs 1.12, 1.14, 1.41.¹ The fact that its contents will be *particularly* “important and relevant considerations” for airport development projects in the South East (which (of course) will include Gatwick) is emphasised at paragraph 1.41:²

1.41 The Airports NPS does not have effect in relation to an application for development consent for an airport development not comprised in an application relating to the Heathrow Northwest Runway, and proposals for new terminal capacity located between the Northwest Runway at Heathrow Airport and the existing Northern Runway and reconfiguration of terminal facilities between the two existing runways at Heathrow Airport. Nevertheless, the Secretary of State considers that the contents of the Airports NPS will be both important and relevant considerations in the determination of such an application, particularly where it relates to London or the South East of England. Among the considerations that will be important and relevant are the findings in the Airports NPS as to the need for new airport capacity and that the preferred scheme is the most appropriate means of meeting that need.

12. The last underlined sentence is also important. It emphasises that one of the “important and relevant considerations” from the ANPS is the very fact that the Government has selected the third runway at Heathrow (see further below) as its “preferred scheme” and that the Government has concluded (as a matter of national policy) that this preferred scheme is the most appropriate means of meeting “the need for new airport capacity” (that being the need for new airport capacity in the South East of England: see ANPS paragraph 1.13³). Indeed, this point (that when it comes to the need for new airport

¹ The Applicant duly recognises this at various points in its application documents, see e.g. ES, Chapter 13 (Air Quality) paragraph 1.41.

² Emphasis in underline is “emphasis added” throughout these written representations unless otherwise stated.

³ “1.13 The Airports NPS sets out:

- *The Government’s policy on the need for new airport capacity in the South East of England;*
- *The Government’s preferred location and scheme to deliver new capacity; and*
- *Particular considerations relevant to a development consent application to which the Airports NPS relates.”*

capacity in the South East, the Government has specifically chosen the third runway at Heathrow as the way to meet this need) is further reiterated in the next paragraph 1.42:

1.42 As indicated in paragraph 1.39 above, airports wishing to make more intensive use of existing runways will still need to submit an application for planning permission or development consent to the relevant authority, which should be judged on the application's individual merits. However, in light of the findings of the Airports Commission on the need for more intensive use of existing infrastructure as described at paragraph 1.6 above, the Government accepts that it may well be possible for existing airports to demonstrate sufficient need for their proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow. As indicated in paragraph 1.39 above, the Government's policy on this issue will continue to be considered in the context of developing a new Aviation Strategy.

13. This paragraph (paragraph 1.42), therefore, clearly sets out (upon any ordinary reading of the policy) that the Government only accepts that it “may well be possible” for existing airports to demonstrate sufficient need for their proposals, where such need is “additional to (or different from)” the need for new airport capacity which the third runway at Heathrow is intended to meet. This is key. It means there will be no policy support (at least in the ANPS), for a proposed airport expansion project that is justified by the same need for new airport capacity in the South East of England as justified the third runway at Heathrow. In fact, as is further explained below, such an expansion project would be counter to ANPS policy. And, of course, this is the situation confronting Gatwick's Application.
14. Overall, in terms of the relevance and applicability of the ANPS to the Northern Runway Project (“NRP”), the Applicant accepts in its Planning Statement (APP-245 at paragraph 8.1.3) that the ANPS is “both important and relevant to the proposals and its policy tests provide the most relevant framework against which to test and assess the acceptability of the aviation components of the application and the Project as a whole”.

The ANPS supports only one new runway in the South East

15. The ExA will be aware that the ANPS was the culmination of a long-running and significant investigation and deliberation process into the issue of airport capacity at the national level, by the Airports Commission led by Sir Howard Davies (the ANPS summarises that process at paragraphs 1.3-1.11 and at paragraph 2.19 et seq).⁴ The

⁴ See Appendices 4 and 5

Airports Commission concluded both that there was a need for “one additional runway to be in operation in the South East of England by 2030” (ANPS paragraph 1.4, emphasis added) and that out of three shortlisted capacity schemes – which notably included a proposal for a second runway at Gatwick – the proposal for a Northwest Runway at Heathrow (i.e. a third runway at Heathrow) presented the strongest case and offered the greatest strategic and economic benefits (ANPS paragraph 1.5). In short, the Government accepted the Airport Commission’s recommendations, which are reflected in the ANPS policy itself.

16. Crucially, the ANPS (as national policy following on from all of this and designated through Parliament (pursuant to ss. 5 and 9 of the PA 2008) only supports the need for one new runway in the South East of England. This is evident throughout the ANPS (see e.g. paragraphs 1.4, 1.8, 2.26, 2.32, 3.3), such as at paragraph 2.32 (emphasis added):

2.32 Having reviewed the work of the Airports Commission and considered the evidence put forward on the issue of airport capacity, the Government believes that there is clear and strong evidence that there is a need to increase capacity in the South East of England by 2030 by constructing one new runway. (...)

17. To be clear, the ANPS position is not that there is a need for at least one new runway. It is a conclusion that the need for increased capacity in the South East only justified the need for one new runway.

The ANPS expressly chose the third runway at Heathrow (and only a third runway at Heathrow) to meet that need

18. Not only did the Government conclude that the national capacity need justified only one new runway in the South East, but the Government also clearly concluded that the Northwest Runway at Heathrow Airport was the appropriate means by which to meet that need. This is clear from ANPS paragraph 2.33, following on from paragraph 2.32 quoted above, which expressed the “need to increase capacity in the South East of England by 2030 by constructing one new runway”:

2.33 The next chapter of the Airports NPS sets out how the Government has identified the most effective and appropriate way to address the overall need for increased airport capacity, and maintain the UK’s hub status, while meeting air quality and carbon obligations and identifies that the Northwest Runway at Heathrow is the Government’s preferred scheme.

See also at 3.12:

3.12 ...The Government believes that the Heathrow Northwest Runway scheme, of all the three shortlisted schemes, is the most effective and most appropriate way of meeting the needs case set out in chapter 2. As such, the Government has also concluded that the other shortlisted schemes do not represent true alternatives to the preferred scheme

19. The fact that the ANPS only supports the third runway at Heathrow as the means to meet the need for one new runway in the South East is reflected by the fact that the ANPS only applies directly to a scheme at Heathrow for the provision of a Northwest Runway:

2.25 The Government has made clear in its announcement of 14 December 2015 that it agrees with the Airports Commission's three shortlisted schemes for expansion, and has taken forward its further work on this basis. As set out in paragraph 1.40 of this document, the Airports NPS will only have effect in relation to a scheme located at Heathrow Airport for the provision of a Northwest Runway, and not the other shortlisted schemes.

20. It is thus the Heathrow Third Runway Scheme, and that scheme alone, which will benefit from the policy support in the ANPS and the effective presumption in favour of a grant of a DCO for a policy-compliant scheme under section 104 of the 2008 Act. The Application does not, and cannot, benefit from any policy support from the ANPS.
21. To reiterate, a proposal for a second runway at Gatwick (i.e. a proposal which would allow for dual runway operations at Gatwick) was one of the “other shortlisted schemes”. It is obvious, therefore, that the proposal for there to be two working runways at Gatwick (or dual runway operations) was not selected by Government as the appropriate way (or even part of the appropriate way) to meet the needs case.

The selection of Heathrow as the (only) location for a new runway in the South East reflected a careful and substantial balancing exercise reflected in the ANPS as national policy

22. Not only did the Government select Heathrow as the only chosen location for a new runway in the South East, but it did so on the basis of a considered conclusion of the advantages and disadvantages of selecting Heathrow vis-à-vis the alternative options.
23. Chapter 2 of the ANPS provides detail of exactly what the need case is for additional airport capacity. It is evident throughout that fundamental to this need case is the

intention to maintain the UK’s “hub status” internationally. For example, see at ANPS paragraphs 2.9-2.10 (emphasis added):

2.9 The importance of aviation to the UK economy, and in particular the UK’s hub status, has only increased following the country’s decision to leave the European Union. As the UK develops its new trading relationships with the rest of the world, it will be essential that increased airport capacity is delivered, in particular to support development of long haul routes to and from the UK, especially to emerging and developing economies.

The need for new airport capacity

2.10 However, challenges exist in the UK’s aviation sector, stemming in particular from capacity constraints. These constraints are affecting our ability to travel conveniently and to a broader range of destinations than in the past. They create negative impacts on the UK through increased risk of flight delays and unreliability, restricted scope for competition and lower fares, declining domestic connectivity, erosion of the UK’s hub status [footnote 36] relative to foreign competitors, and constraining the scope of the aviation sector to deliver wider economic benefits.

24. Footnote 36 states “[d]efined as the frequency of flights and the density of a route network”, in relation to the “UK’s hub status”.
25. The risks to the UK’s “hub status” in particular are further emphasised at paragraphs 2.13-14 (emphasis added):

2.13 The UK’s hub status, stemming from the convenience and variety of its direct connections across the world, is already being challenged by restricted connectivity.⁵ Hub airports at Paris, Frankfurt and Amsterdam have spare capacity and are able to attract new flights to growth markets in China and South America.⁶ These competitors have benefited from the capacity constraints at Heathrow Airport, and have seen faster growth over the past few years. The UK’s airports also face growing competition from hubs in the Middle East like Dubai, Abu Dhabi, Doha and Istanbul. Heathrow Airport was overtaken by Dubai in 2015 as the world’s busiest international passenger airport.

2.14 The consequences of not increasing airport capacity in the South East of England – the ‘do nothing’ or ‘do minimum scenarios’ – are detrimental to the UK economy and the UK’s hub status. International connectivity will be restricted as capacity restrictions mean airlines prioritise their routes, seeking to maximise their profits. Capacity constraints therefore lead to trade-offs in destinations, and while there is scope to respond to changing demand patterns, this necessarily comes at the expense of other connections. Domestic connectivity into the largest London airports will also decline as competition for slots encourages airlines to prioritise more profitable routes.
[footnote numbering has changed from the original]

⁵ For more analysis on the UK’s hub status, see *Airports Commission: Interim Report*, pp90-92

⁶ *Airports Commission: Final Report*, p249

26. In fact, the ANPS recognises that the Airports Commission’s objectives included a focus on maintaining the UK’s global hub status (emphasis added):

2.19 To address these issues, in September 2012, the Coalition Government established the independent Airports Commission, led by Sir Howard Davies. The Airports Commission had two objectives:

- *To produce an Interim Report, setting out the nature, scale and timing of steps needed to maintain the UK’s global hub status alongside recommendations for making better use of the UK’s existing runway capacity over the next five years; and*
- *To produce a Final Report, setting out recommendations on how to meet any need for additional airport capacity in the longer term.⁷*

27. In light of this particular need for an increase in airport capacity and to maintain the UK’s hub status, the Government carefully considered which option would best achieve that result (emphasis added):

3.14 Increasing airport capacity in the South East of England and maintaining the UK’s hub status can be expected to result in both positive and negative impacts, as would be the case for any major infrastructure project. Important positive impacts are expected to include better international connectivity and providing benefits to passengers and the UK economy as a whole (for example for the freight industry). The negative impacts are expected to include environmental impacts, for example on air quality and affected local communities.

3.15 In its considerations on a preferred scheme, the Government has fully taken into account the work of the Airports Commission, information provided by a variety of stakeholders, and the results of the Government’s further work outlined in paragraphs 3.4-3.10 above. As set out below, the Government has considered the positive and negative effects from each of the three shortlisted schemes, and reached its conclusion by weighing these expected effects, along with considering how positive effects can be enhanced and negative effects mitigated.

28. Following directly on from paragraph 3.15, under the heading “Heathrow Northwest Runway and Gatwick Second Runway”, the ANPS explains (in some considerable detail) why the third runway at Heathrow is preferred to a second runway at Gatwick (ANPS paragraphs 3.16-3.55). In particular, under the sub-heading “International connectivity and strategic benefits, including freight”, the ANPS explains that (emphasis added):

3.18 Heathrow Airport is best placed to address this need by providing the biggest boost to the UK’s international connectivity. Heathrow Airport is one of

⁷ [Hyperlink given in original; document provided in Appendix 4.]

the world's major hub airports, serving around 180 destinations worldwide with at least a weekly service, including a diverse network of onward flights across the UK and Europe.⁸ Building on this base, expansion at Heathrow Airport will mean it will continue to attract a growing number of transfer passengers, providing the added demand to make more routes viable. In particular, this is expected to lead to more long haul flights and connections to fast-growing economies, helping to secure the UK's status as a global aviation hub, and enabling it to play a crucial role in the global economy.

3.19 By contrast, expansion at Gatwick Airport would not enhance, and would consequently threaten, the UK's global aviation hub status. Gatwick Airport would largely remain a point to point airport, attracting very few transfer passengers. Heathrow Airport would continue to be constrained, outcompeted by competitor hubs which lure away transfer passengers, further weakening the range and frequency of viable routes. At the UK level, there would be significantly fewer long haul flights in comparison to the preferred scheme, with long haul destinations served less frequently. Expansion at Heathrow Airport is the better option to ensure the number of services on existing routes increases and allows airlines to offer more frequent new routes to vital emerging markets.

29. This is significant. The policy position in the ANPS is that Gatwick would threaten, not enhance, UK's global hub status. At ISH1, while the Applicant stated that it was not intending to create anywhere near the same extent of hub type operation as that seen at Heathrow, it explained that transfer traffic already connects at Gatwick and, with increased capacity, "you'll see an increasing overlap with the type of premium proposition that you may see" at Heathrow [ISH1 Part 1, 001485].
30. The ANPS further explains that "expansion at Heathrow Airport delivers the biggest boost in long haul flights, and the greatest benefit therefore to air freight", noting that "[t]his is further facilitated by the existing and proposed airport development of freight facilities as part of the Northwest Runway scheme" and contrasting Heathrow's freight advantages directly against Gatwick (finding that Heathrow has a "substantial freight handling operation" that is "around 20 times larger by tonnage than that at Gatwick Airport" and which accounts for "around 170 times more" of the UK's non-European Union trade by value than Gatwick): see ANPS paragraph 3.24 and paragraph 3.37.
31. The ANPS looks at a number of other comparative advantages to a third runway at Heathrow vs a second runway at Gatwick, not all of which are repeated here (ANPS

⁸ CAA, 2016

paragraphs 3.25-3.55). Not least, a new runway at Heathrow would result in larger benefits to the wider economy (“these additional benefits come from workers moving to more productive jobs around the expanded airport as well as the productivity benefits from firms who will enjoy lower aviation transport costs” paragraph 3.27) and a “much greater” number of additional jobs (“The numbers are higher at Heathrow Airport because the additional capacity is forecast to be used more quickly following expansion and, importantly, because the types of services offered at an expanded Heathrow Airport are likely to be more complex, particularly with the greater number of full service airlines operating there” paragraph 3.28). Issues with surface access links for Gatwick were also highlighted, in comparison to the “more accessible location and more varied surface access links” at Heathrow (paragraph 3.35).

32. As the High Court set out in **R (Spurrier) v Secretary of State** [2019] EWHC 1070 (Admin), the ANPS also rejected the second runway at Gatwick due to potential harm that would be caused by way of additional road traffic to a special area of conservation (“SAC”) upon which a priority species was present (see paragraphs 287 and 308-310).
33. The outcome of this detailed consideration of the comparative pros and cons of the competing locations for “one” new runway is neatly summarised in the conclusion paragraphs of section 3 (ANPS paragraphs 3.71-3.75) (emphasis added):

3.71 This section summarises the factors the Government considered when evaluating each of the three schemes shortlisted by the Airports Commission against the needs case presented in chapter 2. As part of this, the Government identified where schemes could have negative impacts, for example on the local environment. It considered the predicted beneficial effects of the three schemes, particularly in relation to the needs case and economic considerations. It also assessed how the schemes could conform to wider Government strategic objectives and meet legal obligations, for example on air quality. Bringing these considerations together, the Government’s decision on a preferred scheme balances this range of factors, enabling it to determine which scheme, overall, is the most effective and appropriate means of meeting the needs case and maintaining the UK’s hub status in particular.

This paragraph, again, re-emphasises the importance of the UK’s “hub status” to considering the national need case for additional airport capacity.

34. The conclusion section continues (emphasis added):

3.72 The Appraisal of Sustainability provides an assessment of the schemes against a number of the factors considered in this chapter. It concludes that the

Heathrow Northwest Runway scheme is best placed to maximise the monetised economic benefits that the provision of additional airport capacity could deliver in the short term, although this scheme is likely to do so with the greatest negative impact on local communities. However, the Appraisal of Sustainability also identifies measures which can help to mitigate these impacts, for example by reducing noise, ensuring that the development is in accordance with legal obligations on air quality, showing how future carbon targets could be met, and assessing future demand scenarios.

3.73 Building on this assessment, the Government has identified a number of attributes in the manner of strategic effects, which it believes only the preferred scheme is likely to deliver to meet the overall needs case for increased capacity in the South East of England and to maintain the UK's hub status. The Government has afforded particular weight to these:

- Expansion via the Heathrow Northwest Runway scheme would provide the biggest boost to connectivity, particularly in terms of long haul flights. This is important to a range of high value sectors across the economy in the UK which depend on air travel, as well as for air freight. It will enable more passengers to fly where they need to, when they need to.*
- Expansion via the Heathrow Northwest Runway scheme would provide benefits to passengers and to the wider economy sooner than the other schemes. This is regardless of the technical challenges to its delivery. It would also provide the greatest boost to local jobs.*
- Heathrow Airport is better connected to the rest of the UK by road and rail. Heathrow Airport already has good road links via the M25, M4, M40 and M3, and rail links via the London Underground Piccadilly Line, Heathrow Connect and Heathrow Express. In the future, it will be connected to Crossrail, and linked to HS2 at Old Oak Common. The number of such links provides resilience.*
- The Heathrow Northwest Runway scheme delivers the greatest support for freight. The plans for the scheme include a doubling of freight capacity at the airport. Heathrow Airport already handles more freight by value than all other UK airports combined, and twice as much as the UK's two largest container ports.*

3.74 The needs case has shown the importance of developing more capacity more quickly, and in a form which passengers and businesses want to use. The Heathrow Northwest Runway scheme is best placed to deliver this capacity, delivering the greatest benefits soonest as well as providing the biggest boost to the UK's international connectivity, doing so in the 2020s at a point when without the scheme 4 out of 5 London airports would be full, with all the problems to passengers this could entail. Taken together, benefits to passengers and the wider economy are substantial, even having regard to the proportionally greater environmental disbenefits estimated for the Heathrow Northwest Runway. Even though the preferred scheme's environmental disbenefits are larger than those of the Gatwick Second Runway scheme, when all benefits and disbenefits are considered together,¹¹² overall the Heathrow Northwest Runway scheme is considered to deliver the greatest net benefits to the UK.

3.75 A number of mitigation measures will need to be applied to reduce the impacts of the Heathrow Northwest Runway scheme felt by the local community and the environment. Airport expansion is also expected to be accompanied by an extensive and appropriate compensation package for affected parties. With these safeguards in place, the Government considers that the Heathrow Northwest Runway scheme delivers the greatest strategic and economic benefits, and is therefore the most effective and appropriate way of meeting the needs case.

35. These paragraphs have been quoted in full in order to reiterate the fact that the ANPS specifically chose (and only gave national policy support to) a new runway at Heathrow. Notwithstanding the fact that the disbenefits of a third runway at Heathrow were greater than those for a second runway at Gatwick, the unique advantages offered by Heathrow (notably its contribution to the UK's international "hub status") were enough to outweigh them. This is all in a context where the Airports Commission and the ANPS only found a need for one new runway in the South East. Put bluntly, the ANPS supports that one new runway being delivered at Heathrow, and not Gatwick.

Within that context, ANPS supports making best use of existing runways

36. Notably, it is within that overarching policy context (i.e. the choice of Heathrow as the location for the one new runway in the South East to address the need for expanded airport capacity) that the ANPS records the Government's support for "airports beyond Heathrow making best use of their existing runways" (ANPS paragraph 1.39). This aligned with the Airports Commission's conclusions as recorded in the ANPS (emphasis added):

1.6 The Airports Commission's remit also required it to look at how to make best use of existing airport infrastructure, before new capacity becomes operational.⁹ The Commission noted in its final report that a new runway will not open for at least 10 years. It therefore considered it imperative that the UK continues to grow its domestic and international connectivity in this period, which it considered would require the more intensive use of existing airports other than Heathrow and Gatwick.¹⁰

..
2.28 The Commission's remit also required it to look at how to make best use of existing airport infrastructure, before new capacity becomes operational.⁵⁴ The Commission noted in its final report that a new runway will not open for at least 10 years. It therefore considered it imperative that the UK continues to grow its domestic and international connectivity in this period, which it considered

⁹ *Airports Commission: Interim Report*, paragraph 5.2

¹⁰ *Airports Commission: Final Report*, paragraph 16.40

would require more intensive use of existing airports other than Heathrow and Gatwick.

37. That policy is reflected in the MBU policy document, to which we now turn.

(2) **MBU**

38. MBU is relevant generally to airport expansion and specifically to any scheme seeking to make best use of existing runways. It is therefore an important material consideration for the ExA as constituting relevant national airports planning policy. However, the NRP scheme is not seeking to make best use of an existing runway, but to create a new, additional, runway. Accordingly, it gets no policy support from MBU.

39. The key policy statement in MBU is at paragraph 1.29 (bold in the original):

1.29 Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.

40. It is obvious from this key paragraph (and the title of the policy document itself) that it is providing policy support to proposals beyond Heathrow which make best use of “existing runways” only. A proposal for a *new* operational runway beyond Heathrow would not be compliant with this policy. The distinction between the situation for Heathrow (where the Government’s policy on increasing capacity is set out in the ANPS) and all other airports (including those in the South East) is emphasised at paragraphs 1.5 and 1.25 of MBU. These paragraphs, again, only express government support for other airports making “best use of their existing runways”.

41. Furthermore, it is clear from MBU’s terms that it envisages most of the development applications made by airports seeking to make “best use of their existing runways” (in

a policy-compliant way) will be of a relatively small and local scale. For example at paragraph 1.9:

1.9 Most of the concerns raised can be addressed through our existing policies as set out in the 2013 Aviation Policy Framework, or through more recent policy updates such as the new UK Airspace Policy or National Air Quality Plan. For the majority of environmental concerns, the government expects these to be taken into account as part of existing local planning application processes. It is right that decisions on the elements which impact local individuals such as noise and air quality should be considered through the appropriate planning process and CAA airspace change process.

And at paragraph 1.23:

1.23 For the majority of local environmental concerns, the government expects these to be taken into account as part of existing local planning application processes.

42. Of course, MBU accepts the possibility of NSIP applications under its terms (MBU paragraph 1.27) but it is clear from reading the policy as a whole, that the expectation is for the majority of MBU-based applications to be on a relatively local level.¹¹ For example, see at paragraph 1.28 (in the context of considering implications for overall airspace capacity), which clearly indicates that the overall scale of increased ATMs would be limited:

Given the likely increase in ATMs that could be achieved through making best use of existing runways is relatively small (2% increase in ATMs “without Heathrow expansion” scenario; 1% “with Heathrow”), we do not expect that the policy will have significant implications for our overall airspace capacity. However it is important to note that any flightpath changes required as a result of a development at an airport will need to follow the CAA’s airspace change process. This includes full assessment of the likely environmental impacts, consideration of options to mitigate these impacts, and the need to consult with stakeholders who may be affected. Approval for the proposed airspace change will only be granted once the CAA has been satisfied that all aspects, including safety, have been addressed. In addition, government has committed to establish an Independent Commission on Civil Aviation Noise (ICCAN) to help ensure that the noise impacts of airspace changes are properly considered and give communities a greater stake in noise management.

43. In this context, CAGNE notes the Applicant’s assertion that the terms “existing runways” and “existing infrastructure” are used interchangeably – in relation to the

¹¹ There is also a section headed “Role of national planning” which recognises that there are “some important environmental elements which should be considered at a national level” (MBU paragraph 1.11) but this section then only considers the issue of increased carbon emissions.

ANPS paragraph 1.42 (see Planning Statement at paragraph 8.2.12) and in relation to MBU (see Planning Statement APP-245 at paragraph 8.2.13). This is a misinterpretation of the policy:

42.1 The terms are not used “interchangeably”. The term “infrastructure” is used in paragraphs 1.2 – 1.4 where the policy sets out what the Airports Commission’s Final Report stated [provided as Appendix 5]. That Report concluded that delivery of new runway capacity at Heathrow would necessarily take several years to complete and that in “the meantime the need to make best use of existing infrastructure will remain” (§16.1). This is also reflected in the ANPS, which only uses the phrase “existing infrastructure” twice, both in paragraphs describing the Airports Commission’s conclusions (paragraphs 1.42 and 2.22). In taking this recommendation forward into policy, the Government chose to focus not in “existing infrastructure”, but “existing runways”¹² – that is the term used throughout the remainder of MBU, from paragraph 1.5 onwards and in the ANPS at paragraphs 1.39 and 1.42.

42.2 In setting out the Government’s policy, the ANPS and MBU do not use an “open-textured word”, but instead use different words to mean different things (see §8 above) and choose a specific word with a specific meaning – “runways” – when giving policy support to airports other than Heathrow.

42.3 Indeed, this is plain from the title of the key policy document, which is not “Making Best Use of Existing Infrastructure” but “Making Best Use of Existing Runways”. It is clear what the policy supports: making best use of existing runways and in that context of associated existing infrastructure, but not creating dual runway operations at a single-runway airport or undertaking significant construction works to build dual runway capacity.

44. An example of what MBU supports would be Gatwick making improvements to the northern runway, such that it could be used more frequently or quickly as a standby runway or for larger aircraft. That is very different to what is proposed by the NRP.

¹² This is in fact clearest in paragraph 1.42 of the ANPS, which differentiates between airports “wishing to make more intensive use of existing runways” needing to apply for permission or consent, and the Airports Commission’s findings on “the need for more intensive use of existing infrastructure”. Paragraph 1.42 cross-refers to paragraph 1.39, which sets out the Government’s response to the call for evidence through confirming support for airports beyond Heathrow “making best use of their existing runways”.

45. It is abundantly clear that any reference to airports making best use of “existing infrastructure” in either MBU or the ANPS cannot undermine the policy restrictions of these two documents: that both only support airports (beyond Heathrow) making best use of “existing runways” and do not support such airports introducing new runways.
46. In any event, and as set out below, the NRP does not in fact propose to make best use of “existing infrastructure” as it requires significant new infrastructure. It is therefore not clear how the “existing infrastructure” argument assists the Applicant.

(3) Flightpath to the Future (May 2022) and Jet Zero Strategy (July 2022)

47. Since the ANPS and MBU, the Department for Transport has published the “Flightpath to the Future” (May 2022) (“F2F”) and “Jet Zero Strategy – Delivering net zero aviation by 2050” (July 2022) (“JZS”) policy documents. However, crucially, in terms of the relevant national planning policy on airport development, neither of these documents affect the status of the ANPS and MBU as the two key documents.
48. F2F expressly states that the “existing planning frameworks” for airport growth remains as (1) MBU and (2) ANPS, see F2F p. 4:

“Our existing planning frameworks [footnote 4] for airport growth provide a robust and balanced framework for airports that want to grow within our strict environmental criteria.”

Footnote 4: *“Beyond the horizon – The future of UK aviation: Making best use of existing runways (2018) and Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (2018) are the most up-to-date policy on planning for airport development.”*

49. See also p. 7 where it is noted that *“our existing policy frameworks for airport planning provide a robust and balanced framework for airports to grow sustainably within our strict environmental criteria. [footnote 5] They continue to have full effect, as a material consideration in decision-taking on applications for planning permission”*. Footnote 5 is exactly the same as Footnote 4. Likewise, see p. 26 and 29.

50. The JZS is to the same effect. At 3.56 (p.52) it states:

The Government remains committed to growth in the aviation sector and working with industry to ensure a sustainable recovery from the pandemic. In our recently published strategic framework for the future of aviation – 'Flightpath to the Future'⁵⁵ – we recognise that airport expansion has a role to play in realising benefits for the UK through boosting our global connectivity and levelling up. The framework is clear that we continue to be supportive of airport growth where it is justified, and our existing policy frameworks for airport planning [footnote 56] provide a robust and balanced framework for airports to grow sustainably within our strict environmental criteria. We have also been clear expansion of any airport in England must meet our climate change obligations to be able to proceed.

51. Footnote 56 then states: “Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (2018)... and Beyond The Horizon – Making Best Use Of Existing Runways...” No other policy document is referred to.

52. Likewise on p. 74, the policy commitment to “support airport growth where it can be delivered within our environmental obligations” is aligned with the following “implementation approach and delivery milestones”:

The Government’s existing policy framework for airport planning in England – the Airports National Policy Statement (ANPS) and Beyond the horizon, the future of UK aviation: Making best use of existing runways (MBU) – have full effect, as a material consideration in decision making on applications for planning permission. Our analysis shows that it is possible to achieve our goals without the need to restrict people’s freedom to fly.

53. So, in terms of establishing the relevant policy framework for airport planning applications, both F2F and the JZS reiterate that this remains as simply (1) MBU and (2) ANPS (which we have covered above).

54. Finally, CAGNE notes that the Applicant has emphasised the fact that the NRP was included in the capacity assumptions used in the modelling undertaken for the JZS (see Planning Statement at paragraph 8.2.19). That, of course, provides no support for the Applicant’s contention that the NRP is policy-compliant. It is clear from the terms of the “Jet Zero: Modelling Framework” (March 2022) that the modelling was undertaken in line with a “precautionary approach” (Modelling Framework at paragraph 3.17) within the context of seeking to predict a “reasonable upper bound of possible future

airport capacity levels and therefore associated UK aviation emissions” (Modelling Framework at paragraph 3.19). The document expressly states that the “capacity assumptions required by the model do not pre-judge the outcome of any future planning application, including decisions taken by Ministers” (Modelling Framework at paragraph 3.18).

55. To the extent that the document states (at paragraph 3.18) that “the capacity assumptions in our modelling reflect and are aligned with” MBU and the ANPS, this can only be read as a very high-level statement, reflecting no project-specific assessment of policy compliance. Indeed, paragraph 3.18 does not say the projects being modelled comply, but that the “capacity assumptions” reflect and are aligned with MBU/ANPS. In other words, it appears to be referring to the modelling capacity assumptions that underlined MBU and the ANPS and saying that the JZS accords with those. The document reiterates in the following paragraph that the modelling scenario “is not...a prediction of what the Department for Transport thinks will happen with future capacity expansion...” and its “purpose is limited to providing a consistent basis to better test the potential effectiveness of measures to meet net zero” (at paragraph 3.19).

(4) Aviation Policy Framework (March 2013)

56. In its application documents, the Applicant makes considerable reference to the Aviation Policy Framework (“APF”),¹³ and includes it in the relevant “policy framework” in respect of aviation (see the Appellant’s Needs Case (APP-250) paragraph 3.1.5 et seq, the Applicant also includes the F2F, JZS, Transport Decarbonisation Plan,¹⁴ and local aviation policy documents in this broad heading of “policy framework”).
57. The APF sets out the Government’s “high-level objectives and policy on aviation” (APF paragraph 5.26) as things stood in March 2013, prior to the Airport Commission’s recommendations.¹⁵ Although the main relevant national planning policy for

¹³ See for example the Applicant’s Planning Statement (APP-245), section 6 at 6.2.3 et seq, section 8 at 8.2.5 et seq and the Applicant’s Needs Case (APP-250), section 3.2.

¹⁴ “Decarbonising transport – a Better, Greener Britain” (July 2021).

¹⁵ APF Executive Summary paragraph 2, and at paragraph 1.58-1.59 and paragraph 5.26(d).

determining the Application is the MBU and ANPS, meaning the APF must be applied in light of those clear policies, the APF remains important and relevant, particularly as regards noise.

58. However, the APF cannot be relied on to in some way weaken the policy in MBU. The Applicant's Planning Statement (APP-245), for example, seeks to emphasise (at paragraph 8.2.5) that the APF uses the term "make best use of "existing runway capacity" as well as the term "existing airport capacity" and argues that the "two phrases are used interchangeably but the intention is clear – to create additional aviation capacity". To be clear, any references to airports making best use of "existing airport capacity" (whether in the APF or elsewhere) must not be relied on (if this is what the Applicant is seeking to do – it remains unclear) to in some way weaken the limits of the MBU's policy support (i.e. that MBU only supports making best use of "existing runways").
59. It is notable, in this regard, that the Applicant only partially quotes from paragraph 1.60 of the APF in its Planning Statement (APP-245) at paragraph 6.2.8. APF paragraph 1.60 states (emphasis added):

1.60 In the short term, to around 2020, a key priority for Government is to continue to work with the aviation industry and other stakeholders to make better use of existing runways at all UK airports. Taking into account responses to the scoping document, our strategy is based on a suite of measures focused on:

- *making best use of existing capacity to improve performance, resilience and the passenger experience;*
- *encouraging new routes and services;*
- *supporting airports outside the South East to grow and develop new routes; and*
- *better integrating airports into the wider transport network.*

60. Clearly, from the way this paragraph is framed, the reference to "*making best use of existing capacity*" is to be considered within the overarching confines of the Government's policy to "*make better use of existing runways*".¹⁶ Yet, in its Planning Statement (APP-245) at paragraph 6.2.8, the Applicant only quotes from the words "Taking into account..." onwards (i.e. missing out the reference to "make better use of existing runways"). The Applicant then continues to state (at paragraph 6.2.9) that:

"Section 8 of this Planning Statement considers the extent to which the Project accords with the policy to make best use of existing capacity – taking account

¹⁶ The APF also uses the terminology "existing runways" elsewhere, for example at paragraph 10 of the Executive Summary and in one of its conclusion sections at paragraph 1.109.

of the APF policy and the nature of similar policy expressions in subsequent policy statements.”

61. Again, the ExA must be careful not to slip into error here by following the Applicant’s use of language. The relevant planning policy does not simply support airports making best use of “existing capacity” generally, with no further limitations. As shown above, the ANPS and MBU use specific language and apply very clear limitations – namely, that airports will only derive policy support if their applications make best use of their “existing runways”. Put another way, an airport (such as Gatwick) cannot argue that an application which results in the introduction of a new runway is nonetheless compliant with policy on the basis that it involves making best use of “existing capacity”.
62. CAGNE is not clear whether that is an argument which Gatwick really intends to run, but nonetheless addresses the point here for completeness (and bearing in mind the ambiguity in how the issue has been presented in the Applicant’s planning statement). It is a similar type of argument to the elision of “existing runways” and “existing infrastructure” addressed above.

Green Paper “Aviation 2050” (2018)

63. To be clear, to the extent the Applicant seeks to rely on the Government’s consultation paper “Aviation 2050” (2018) (see Applicant’s Planning Statement (APP-245) at paragraph 6.2.22), the same arguments as apply to the APF apply equally to it. Namely, it does not undermine the relevant planning policy framework in MBU and the ANPS and it cannot be relied on in any way to weaken the policy in MBU. Indeed the Aviation 2050 document recognises the ANPS and MBU (of “existing runways”) throughout, for example in its introduction at paragraph 4.3

The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.

64. See also Aviation 2050 at paragraphs 1.3, 1.21, 3.6, and 3.11, each of which refer to the Government’s policy of airports making best use of their “existing runways” or “existing runway capacity”.

Conclusions on Policy for Airport Capacity Expansion (what it does and does not support)

65. In light of the above analysis, the following conclusions can be drawn:
- a. In terms of the “need” case for airport expansion, based on the need for expanded capacity, national policy only supports the need for one new runway in the South East of England.
 - b. National policy has also clearly selected Heathrow as the location for that one new runway. It did so after considerable scrutiny, at public expense, and notwithstanding the fact that a proposal for a second runway at Gatwick was one of the shortlisted schemes. The choice of Heathrow reflected a very careful balancing exercise (at a national policy level) and, among other things, recognised the distinct advantages that Heathrow could offer (cf. Gatwick) in terms of supporting the UK’s “hub status” and international connectivity.
 - c. Whilst national policy only supports Heathrow as the location for a new runway in the South East, it still affords support via MBU to other airports making best use of their existing runways and infrastructure. Crucially, however, that policy support does not extend to those other airports introducing new operational runways.

D. Northern Runway Project – Scope of Works

66. In order to determine whether the Application is policy compliant, the scope of works required needs properly to be considered.
67. Whilst Gatwick has an emergency/standby runway in addition to its main runway, it is clear that at present Gatwick is only able to use one runway at any given time. Gatwick is recognised as a single runway airport (see e.g. ANPS paragraph 2.11 “...Gatwick Airport is the busiest single runway airport in the world...”¹⁷). The Applicant’s environmental statement (“ES”) (APP-026) describes the current situation as follows:

1.3.2 “Gatwick is currently served by a single main runway. The airport also has a further runway, which is located north of the main runway and is only available for use when the main runway is closed. This runway is known as the 'northern runway' or the 'standby runway'. A planning condition, together with a planning agreement, has historically prevented this runway from being used at the same time as the main runway. The agreement expired in August 2019 but

¹⁷ See also the Applicant’s Needs Case (APP-250) at paragraph 1.1.5 and paragraph 2.1.2.

the planning condition remains in place. Limiting Gatwick to the use of a single runway imposes a constraint on growth but also on resilience

68. The Application is designed to “enable dual runway operations”, see for example the non-technical description of development in the Application Form (APP-002):

“The application seeks powers to enable dual runway operations at Gatwick Airport through altering the existing northern runway, lifting restrictions on the northern runway's use and delivering the upgrades or additional facilities and infrastructure required to increase the passenger throughput capacity of the airport. This includes substantial upgrade works to certain surface access routes which lead to the airport.”

69. In other words, the result of the Development will be to transform Gatwick from a single runway airport into a dual runway airport.

70. In order to achieve this, the Application seeks powers for significant works. Most notably, the northern runway (i.e. the emergency/standby runway) will need to be completely repositioned, such that its centreline is moved to the north by 12 metres.¹⁸ This is to ensure a separation distance of 210 metres between it and the current main runway (that being the distance required to meet European Aviation Safety Agency standards for closely spaced parallel runways).¹⁹ Essentially, the northern runway needs to be moved to a different location compared to its existing position in order to achieve that separation distance.

71. In addition to the need completely to re-position the runway, further substantial development needs to take place. The ES summarises the scope of this work at paragraph 5.2.3 (APP-030):

As an overview, the Project includes amendments to the existing northern runway including;

- *repositioning its centreline 12 metres further north to enable dual runway operations;*
- *reconfiguration of taxiways;*
- *pier and stand alterations (including a new pier);*
- *reconfiguration of specific airfield facilities;*
- *extensions to the existing airport terminals (north and south);*
- *provision of additional hotel and office space;*
- *provision of reconfigured car parking, including new car parks;*
- *surface access (including highway) improvements;*

¹⁸ See e.g. ES Chapter 1 at paragraph 1.3.3 (APP-026).

¹⁹ ES at paragraph 5.2.21 APP-030.

- *demolition and relocation of Central Area Recycling Enclosure (CARE) facility;*
- *provision of an additional water treatment facility;*
- *reconfiguration of existing utilities, including surface water, foul drainage and power; and*
- *landscape/ecological planting and the creation of environmental mitigation.*

72. The ExA will be familiar with the details of the scope of these works (which are not repeated here). Needless to say, they are not minor. For example, the extent of reconfiguration of taxiways needed (including the exit and entrance taxiways) is extensive, as detailed in the Applicant's ES at paragraph 5.2.23-5.2.41 (APP-030).
73. While the Applicant at ISH 1 referred to the fact that the proposals at Manston and Stansted involved operational works, those were of a different scale and nature to those proposed by the NRP. CAGNE does not suggest that MBU cannot involve some operational works, but each scheme must be reviewed critically to assess whether those works in reality amount to something more than merely making best use of an existing runway.
74. Stansted involved two new taxiway links²⁰ to the existing runway and new aircraft stands. Manston involved upgrading the runway, re-aligning one taxiway, and new stands. These works would have been covered by permitted development rights under Part 8 of the The Town and Country Planning (General Permitted Development) (England) Order 2015. The NRP involves something very different to each of those proposals. Critically, in neither Stansted nor Manston did the entire runway need to be repositioned. Further, in neither of those cases were the operational works intended to turn a single runway airport into one with dual operating capacity.

E. Northern Runway Project – Policy Non-Compliant

75. It is obvious from this that the NRP does not comply with national policy requirements. The simple fact that the Development will transform Gatwick from a single runway to a dual runway airport means it will have introduced a new operational runway into the South East of England.

²⁰ It is notable that, unlike the construction or extension of a runway, the creation of new taxiways or re-alignment of existing taxiways is permitted development: GDPO Part 18 Class A.

76. Even without the Applicant having provided much information about the extent of the construction works required to enable the dual runway operations, it appears to CAGNE that these will be considerable: the fact that the centre line of the existing emergency runway has to be moved 12m to the north and resurfaced (along with all the necessary amendments to taxiways) means there can be no question that the resulting runway will be an entirely *new* runway. CAGNE will make further representations on this point when the Applicant provides the additional requested information on the works.
77. So, the reality is that the Development will result in the introduction of an additional runway into the South East but one that it is not located at Heathrow.
78. Clearly, that does not fall within the ambit of making best use of “existing runways” and so breaches MBU policy. It cannot be argued that a Development which results in a change from single-runway to dual-runway operations has merely made best use of its “existing runways”. If this were the case, it would run a coach and horses through the fundamental limitation of the MBU policy. That the existing northern runway would need to be moved and resurfaced with significant associated works including to the taxiways also means that the NRP scheme is not even “making best use of existing infrastructure”: there is no “existing infrastructure” that simply needs to be brought into use or improved.
79. By introducing a new runway into the South East outside of Heathrow, the Development also runs entirely counter to the aims and policy of the ANPS. By so doing, the NRP will undermine the careful balancing exercise of planning merits which justified the selection of Heathrow over Gatwick in the ANPS. This matters. By “jumping the gun” in this way (i.e. seeking to introduce a new runway in the South East before the third runway at Heathrow) the NRP seeks to meet the same needs as a third runway at Heathrow but cannot do so in full, with a disproportionate level of harm. In so doing, it will upset the overall planning considerations which led the Government (at a national level) to choose Heathrow over Gatwick, undermining the remit of the ANPS. The end result will be the delivery of airport expansion that is not justified in planning terms, which in turn risks prejudicing the Government’s preferred option (which has been justified in planning terms). The whole justification for introducing the ANPS was to avoid this result.

80. CAGNE notes that its conclusions on policy non-compliance accord with those of the York Aviation expert at the recent London City Airport inquiry.²¹

81. As noted in CAGNE's RRs, Gatwick's failure to carry out a proper cumulative effects assessment of Heathrow's expansion along with the NRP is of particular concern in this context. PINS expressly requested such a cumulative effects assessment, see the summary of scoping responses from the Planning Inspectorate in Table 20.3.1 of the Applicant's ES (APP-045):

The implications of Heathrow's expansion should be fully identified and explored in terms of potential for significant cumulative effects across relevant aspect chapters for both construction and operation. Although the project at Heathrow is outside of the 15 km ZoI, the Inspectorate considers that an increase in night flights associated with the Proposed Development (combined with Heathrow expansion and any airspace change) could impact residential amenity (and other aspects) of communities and other receptors adjacent to Gatwick Airport. The Inspectorate also expects there will be a degree of overlap in the strategic level transport modelling for both projects which will also need to be addressed within the ES (including construction Heavy Goods Vehicles (HGVs)). The implications of Heathrow's expansion should be fully identified and explored in terms of potential for significant cumulative effects across relevant aspect chapters for both construction and operation. Although the project at Heathrow is outside of the 15 km ZoI, the Inspectorate considers that an increase in night flights associated with the Proposed Development (combined with Heathrow expansion and any airspace change) could impact residential amenity (and other aspects) of communities and other receptors adjacent to Gatwick Airport. The Inspectorate also expects there will be a degree of overlap in the strategic level transport modelling for both projects which will also need to be addressed within the ES (including construction Heavy Goods Vehicles (HGVs)).

82. The ExA will be aware that Gatwick's response to this was that:

The implications of Heathrow's expansion should be fully identified and explored in terms of potential for significant cumulative effects across relevant aspect chapters for both construction and operation. Although the project at Heathrow is outside of the 15 km ZoI, the Inspectorate considers that an increase in night flights associated with the Proposed Development (combined with Heathrow expansion and any airspace change) could impact residential amenity (and other aspects) of communities and other receptors adjacent to Gatwick Airport. The Inspectorate also expects there will be a degree of overlap

²¹ Louise Congdon's Rebuttal Proof at paragraph 3.2.9 stated "...In essence, the proposal at Gatwick is about adding new runway capacity to the London system. This could be seen as challenging the Airports National Policy Statement (ANPS) (CD3.5.02) by suggesting the utilisation of an additional runway in the South East and is, in essence, being presented as an alternative to the provision of a third runway at Heathrow. In this context, Gatwick is not only seeking to prove that the local planning balance is positive through an EIA but is also, to some extent, seeking to challenge Government policy as set out in the ANPS...."

in the strategic level transport modelling for both projects which will also need to be addressed within the ES (including construction Heavy Goods Vehicles (HGVs)).

83. Besides any breach of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 due to a failure to properly assess cumulative effects, the failure properly to assess the cumulative effects of the NRP and the Heathrow expansion (specifically) is particularly problematic, as it further prevents the ExA (and indeed the Secretary of State) from being able properly to assess the overall planning impacts of consenting the NRP ahead of the Heathrow third runway. The Government needs to (but cannot) consider the national implications and overall planning balance for consenting NRP (whether instead of, or additional to, the third runway at Heathrow).

F. Applicant's case on policy compliance – areas of dispute

84. In light of all of this, the Applicant is quite simply wrong to allege that the NRP is policy compliant (cf. Applicant's Planning Statement (APP-245) at paragraph 8.2.1 and paragraph 8.2.21; see also the foreword to the Applicant's Consultation Overview document (APP-218)).

85. CAGNE addresses below a number of key points of dispute with the Applicant's planning assessment and needs case. This is not intended to be an exhaustive list of CAGNE's objections and CAGNE reserves the right to add to it over the course of the examination.

(i) *Wording*

86. The ExA must carefully scrutinise the Applicant's choice of wording in its application documents when considering the question of policy compliance. CAGNE notes that the Applicant has chosen, at various points, to use wording that could (wrongly) imply that the Development will not introduce a new operational runway to Gatwick.

87. For example, at paragraph 8.2.4 of the Applicant's Planning Statement (APP-245), it states (emphasis added):

The NRP is an innovative means of achieving a significant increase in capacity at Gatwick without the provision of a wholly new runway or the land take or

physical effects that might normally be associated with the construction of an additional runway. The proposals benefit from direct policy support from a range of national policy documents including Beyond the Horizon – the future of UK aviation – making best use of existing runways, June 2018. Some representations have been received in response to consultation, however, that the proposals are altering and re-providing the runway, rather than “making best use” of the existing runway. It has also been suggested that the policy of making best use (MBU) does not apply to Gatwick. In case it may be suggested that this amounts to some form of conflict with policy or absence of policy support, that issue is addressed here.

88. It is not understood what Gatwick means by a “wholly new runway”, or how this is said to contrast with the end result of the NRP. As has been shown above, the NRP will result in a “wholly new runway”, as it will enable dual runway operations at what is currently a single runway airport. The fact that the new runway will be established within the confines of the existing airport and/or may even be connected to some existing infrastructure does not change that fact.

89. The same point applies to the use of the term “a full new runway” at paragraph 8.2.10 of the Planning Statement (APP-245) or at paragraph 2.1.7 of the Applicant’s Needs Case (APP-250) (emphasis added):

2.1.7 The project is an innovative and sustainable way of adding additional capacity to Gatwick, through making use of the existing northern runway by shifting its centreline north so that the two runways can be used together. Importantly dual runway operations are enabled without requiring the significant additional land take that would be required if a full second runway was to be developed.

90. Again, as is explained above, the project is not “making use of the existing northern runway”, it is creating a “full second runway” (both in its content and form – in terms of content, dual runway operations will be enabled and, in terms of form, the runway that is ultimately established through the Development is not in the same position, or facilitated by the same connection points, as the previous emergency/standby runway).

91. At paragraph 8.2.9 of the Planning Statement (APP-245), the Applicant also argues:

The question of whether or not making better use (MBU) applies to Gatwick is considered further below but it is apparent that both the APF and the Airports Commission were concerned with the importance of increasing aviation capacity and that there is nothing to suggest that this would not embrace making innovative use or alterations to existing standby runways.

92. To be clear, and for the reasons given above, the Applicant cannot (sensibly) argue that the NRP is just “making innovative use or alterations” to an existing standby runway such that it falls under the policy support for making best use of “existing runways”.

(ii) *Manston decision*

93. The Applicant seeks to rely on the Secretary of State’s decision at Manston Airport (18 August 2022) as supporting the Application. However, the case at Manston Airport is based on an entirely distinguishable set of facts. Not least, there was no question that an additional runway being introduced (beyond the single 2,748m long runway that already existed, along with its existing taxiways, aprons, cargo and other facilities, see DL61 and DL65).

94. The Secretary of State also recognised the difference in scale between the project at Manston and the Heathrow Northwest Runway scheme (see Manston decision letter (“DL”) at paragraph 61) and expressly referred in his decision to ANPS paragraph 1.42 and the possibility for existing airports to demonstrate sufficient need for their proposals “additional to (or different from)” the need for the Northwest Runway at Heathrow (DL 35). In that context, Manston is clearly distinguishable to the NRP at Gatwick. By contrast to Gatwick, Manston is on a significantly smaller scale (as a “reliever airport” see DL66-70) and would reopen as an “air freight airport” DL63 with a clear freight “focus”, see DL61. Moreover, Manston clearly bears a different relationship to the proposal of a third runway at Heathrow (cf. Gatwick). The Secretary of State recognises that difference, in noting that the Airports Commission had “ruled out recommending the proposal to develop Manston airfield as a reliever airport as a solution to the key question of providing the additional long-term capacity and connectivity in the UK identified in the ANPS” (DL70).

95. In stark contrast to what was proposed at Manston – which was largely a new freight proposal with some General Aviation movements – the NRP would lead to an increase of some 13 million annual passengers per annum compared to 2038 and 2047 baseline scenarios (§4.2.5 of the Planning Statement APP-245).

(iii) ***Delay to Heathrow's third runway***

96. The Applicant seeks to emphasise in its Planning Statement that the delay in the delivery of a third runway at Heathrow has somehow made the need for expanded airport capacity more urgent: see Planning Statement (APP-245) paragraph 8.2.17, boldly stating at paragraph 8.2.18:

Any question of insufficient capacity for the NRP in the context of MBU policies should be seen in this light, i.e., the unequivocal policy support for the principle of making best use of airport capacity, as well as the increased urgency brought about by the delay in the delivery of a new runway at Heathrow.

97. The Applicant also alleges that the Secretary of State recognized (at paragraph 96 of his decision in Manston) that the delays in the provision of a new runway at Heathrow offer the potential to improve the need case for that development (see Planning Statement APP-245 paragraph 8.2.17).

98. First, to be clear, at paragraph 96 of the Manston decision, the Secretary of State merely recorded the Independent Assessor's conclusion to that effect (without commenting on whether he agrees with that conclusion) (nor does the Secretary of State expressly agree with that conclusion at DL99).

99. Secondly, and in any event, any delay in the delivery of a third runway at Heathrow has not (in any way) undermined or impacted on the relevant national planning policy framework for airport expansion. Certainly, any delay to the Heathrow scheme has no effect on whether or not the NRP is policy-compliant. Most notably, in determining what weight to give to the NRP's non-compliance with policy, the ExA will need to consider the fact that the Secretary of State for Transport considered requests for a review of the ANPS under s. 6 of the PA 2008, but determined on 6 September 2021 that it was not appropriate to review at that time (as recognised by the Planning Statement at paragraph 6.2.10). In the context of there having been no review to the ANPS (or MBU), those policy documents still apply with full weight.

100. As set out in **R (Save Stonehenge) v SoS** [2024] EWHC 339 (Admin) at paragraph 249, the provisions of the Planning Act 2008 including section 106(1)(b) allow the Secretary of State to disregard any arguments that seek to challenge the merits of an NPS that remains in force.

G. Further legal submissions

101. The proposed works to highways included within the Application are recognised to cross the NSIP threshold in and of themselves.²² Clearly, the NPSNN has effect in relation to this part of the Application proposals. Following **EFW Group Ltd v SSBEIS** [2021] EWHC 2697 (Admin), irrespective of whether section 104 or 105 of the PA 2008 applies to the proposed works to Gatwick Airport (as airport-related development that would result in an increase of at least 10 million per year in the number of passengers for whom the airport is capable of providing air passenger transport service), section 104 must be applied when considering the highways works part of the Development.
102. As to whether this application falls to be determined under section 104 of the PA 2008 or under both sections 104 and 105, CAGNE considers that **EFW** can be distinguished on its facts, as that was a case that involved two distinct free-standing projects that were combined within the same application (paragraphs 1-3 and 57-59 of the judgment).
103. The NRP comprises a single project/application under one description of development. Section 104 applies “*in relation to an application for an order granting development consent if a national policy statement has effect in relation to development of the description to which the application relates*” (section 104(1)). Section 105(1) is clear that section 105 applies only if section 104 does not.
104. Here, an NPS does have effect in relation to the description of development to which the Application relates. Accordingly, pursuant to section 104(3), the Secretary of State must decide the Application “*in accordance with*” the NNNPS, except to the extent that one or more of subsections (4) to (8) applies.
105. While the highways aspects of the Application are covered by the guidance set out within the NNNPS, that comprises only a small part of the works, the majority of which (including all the key elements pertaining to the airport works) are not addressed at all by the NNNPS. As a result, the Application as a whole does not accord with the

²² See the Applicant’s Application Form, section 4, referring to sections 14(1)(h) and 22(1)(b), (3) and (4) of the PA 2008.

NNNPS. Accordingly, the Application falls to be determined outside of the strictures of section 104, meaning that it does not have to be brought within one of the exceptions in section 104 in order to be refused.²³

H. Conclusion on Policy

106. The NRP, in reality, amounts to a proposal to create a new operational runway. Following very careful consideration, the Government concluded in the ANPS that only one new runway was needed in the South East and chose Heathrow over Gatwick. The Government's aviation planning policy, comprised in the ANPS and MBU, is clear that other than at Heathrow, new runways will not be supported. Other airports may be able to demonstrate a need for proposals to increase capacity by making best use of existing runways. The NRP does not comply with that policy. This is a matter that the ExA will need to weigh carefully in its assessment of the planning balance.

NOISE

107. CAGNE's acoustic consultants, Suono, have identified fundamental issues with the Applicant's noise information (contained largely in the noise chapter and appendices of the ES and the documents referred to therein) in their report ("the Suono Report"), provided in Appendix 1 to these submissions.

108. The Applicant's overarching approach to noise assessment does not accord with relevant policy.²⁴ The Application focuses primarily on mitigation, rather than recognising reduction and mitigation as separate goals. The Applicant has provided no justification for choosing the year 2013 for the noise reduction assessment. The Applicant seeks open-ended flexibility as regards future noise levels, which does not provide the requisite certainty that these will reduce over time. It is also unclear whether the core case assessed in the ES is the "central case" or the "slower transition fleet".²⁵

²³ If, however, the view is taken that the exceptions in section 104 must be applied, CAGNE will make further representations that section 104(7) applies.

²⁴ Suono Report at paragraphs 2.5-2.10

²⁵ See also Suono Report at paragraph 4.13 in relation to the modelled case for ground noise

109. In terms of air noise specifically, Suono have identified key deficiencies in the ES under the following headings:²⁶
- a. Forecasts: The Applicant has not responded to PINS' scoping response requirements in terms of forecasts and has not set out baseline assumptions clearly. This has prevented proper review of the contribution of different aircraft to overall noise conditions in affected communities.
 - b. Methodology: Issues with the Applicant's methodology include failure to refer to the noise intrusion criteria for schools; underestimating the likelihood of awakening by only assessing airborne (and not ground-borne) aircraft; and inexplicably not determining significant effects using secondary metrics.
 - c. Model/Results: The Applicant's model is unclear as to how noise adjustments for next generation aircraft have been determined; assumptions on runways and flightpaths are either not explained or lack necessary information; and the assessment results include inconsistencies and are inadequately explained.
110. Similar concerns arise in relation to ground noise.²⁷
- a. Forecasts: As with air noise, there has been a failure to respond fully to scoping.
 - b. Methodology: Critical information is missing from the ES; the methodology departs from the approach taken to other UK airport expansions, preventing proper assessment of air and ground noise together; use of background noise measurements from 2015 as a proxy for 2019 values is not appropriate; and there has been a failure to include worst-case wind conditions.
 - c. Model/Results: Suono identify various deficiencies in the information about proposed mitigation and errors in the model and results. For example, the ES adopts an incorrect year for the "worst-case" scenario (2047 not 2032) and applies a misleading assumption of equivalence between car pass-bys and engine ground running noise.
111. In terms of road noise, problems with the Applicant's assessment include deficiencies in the surveys (a 1-hour survey cannot validate the model), and failure to explain why surface access noise results were compared against the ground noise study area.²⁸

²⁶ Suono Report at section 3

²⁷ Suono Report at section 4

²⁸ Suono Report at section 8

112. As to the noise envelope,²⁹ Suono question the extent of the limit values used. They also note that it is unclear how the Airport proposes to monitor performance to achieve contour limits.
113. Remarkably, the proposed noise insulation scheme³⁰ would lead to reduced funding and insulation choice at a number of locations, with funding proposed also materially lower than current best practice. Further, the Applicant's proposal for insulation, suggesting only acoustic ventilators, is likely to create problems with overheating in affected properties. To comply with policy and best practice, the Applicant should update the scheme to ensure that all residents receive a better offer than currently available, as well as removing the upper funding cap and widening its Application.
114. In all, Suono have identified a series of key flaws in the ES, and its conclusions cannot be relied on. In addition to these technical matters, CAGNE also reaffirms without repeating in detail the previous comments made as to noise in its RR.
115. In addition to the findings of Suono's expert report, another key concern for CAGNE is that modernisation of airspace (Future Airspace Strategy Implementation South or "FASIS") will be necessary if the NRP is to go ahead.³¹ At the very least, it is realistically possible that FASIS will be necessary, meaning it should have been considered and assessed. However, Gatwick has not included in the noise envelope any modelling of either (a) a future scenario in which airspace modernisation goes ahead, or (b) a future scenario in which airspace is not modernised and congestion then gives rise to a need to use alternative routes. Suono will further address the question of flightpaths in its representations for Deadline 2.

SURFACE TRANSPORT

116. Surface access is a major hurdle for expansion at Gatwick (and a key reason why the ANPS chose Heathrow over Gatwick as the preferred location for a new runway). CAGNE is clear that the NRP's impact in this regard would be unacceptable.

²⁹ Suono Report at section 5

³⁰ Suono Report at section 6

³¹ See Easyjet's Relevant Representations at RR-1256

117. CAGNE’s expert consultants, Sterling Transport Consultancy Ltd, have conducted a careful review of the ES, the Applicant’s Transport Assessment and supporting documentation (“the Sterling Report”), provided in Appendix 2 to these submissions. As with noise, there are significant inconsistencies, inaccuracies and uncertainties in the Applicant’s submissions.
118. The Applicant has applied the transport policy framework inconsistently. For example, the Transport Assessment fails to establish a formal hierarchy of travel modes. Key guidance has not been quoted or engaged with, including:
- a. Department for Transport (“DfT”) Circular 01/2022, which replaced Circular 02/2013 in December 2022, in advance of the Application being made.³²
 - b. The Williams/Shapps Review of the Rail Industry, which confirms the Applicant will have no/limited influence on delivery of rail services.³³
 - c. Bus Back Better³⁴ and the West Sussex BSIP³⁵, which set out an approach to bus priority provision that has been ignored by the Applicant.
 - d. Gear Change – National Cycling and Walking Strategy 2020³⁶ and the West Sussex LCWIP.
119. The Applicant’s traffic modelling is strategic in nature, with no detailed analysis of the local traffic conditions that would be adversely affected beyond the immediate environs of the airport.³⁷ Irrespective of this, mitigation proposals are limited and do not address operational resilience of the M23. Due to flaws and limitations in the modelling, the Applicant has not provided a comprehensive traffic impact picture.
120. Starting with the strategic model.³⁸ The log of schemes has not been corrected following the 9th of March 2023 Written Ministerial Statement on the roads investment programme,³⁹ nor has it included the latest DfT traffic forecasts and growth factors,

³² Provided at Appendix 6

³³ Provided at Appendix 7

³⁴ Provided at Appendix 8

³⁵ Provided at Appendix 9

³⁶ Provided at Appendix 10

³⁷ Sterling Report at paragraph 15

³⁸ See the analysis set out at paragraphs 17-26 of the Sterling Report

³⁹ Provided at Appendix 11

which were available before submission. The validation reporting is not sufficiently comprehensive to allow a definitive view to be drawn on its accuracy and reliability. Furthermore, the Applicant's analysis does not consider either the known peak hours of airport operations (0430 to 0600) or impacts on the dispersed parking offer prevalent at the airport. The modelled hours present an inconsistent set of time periods that may mask the full extent of traffic issues. The model also misses local links that provide routes to the airport and may be adversely affected.

121. The local traffic model is limited in scope and has required significant manipulation to ensure a suitable level of convergence.⁴⁰ The “with scheme” scenarios perform well in terms of vehicle throughput, delay and journey time. Given the concentration of highway mitigation in the modelled area this is unsurprising. However, the model fails to take into account the operational situation at junctions and links further afield.
122. The revised Transport Assessment (AS-079 and AS-080) errs in its approach to the growth factors applied to reach the “do minimum” traffic levels for 2029, 2032 and 2047.⁴¹ While the DfT expects scenario-based testing to deal with uncertainty, the Applicant has applied a formulaic single central forecast. The Applicant has also still not properly assessed the impact of the change to a non-incinerating waste disposal plant, which will undoubtedly affect traffic levels.⁴²
123. As to specific modes, the Applicant's analysis is predicated on rail being the principle non-car mode of access for passengers and staff.⁴³ That analysis fails to consider capacity issues in detail or to acknowledge that the Airport has no or limited influence on the rail timetable, which is controlled by Government with no contractual certainty beyond 2025. The lack of east-west rail connectivity and the fixed hours of operations, which are restricted by Network Rail's engineering requirements, are further concerns given the proposed staff catchment areas. In all, the Applicant has failed to demonstrate that its rail proposals are achievable.

⁴⁰ See the analysis set out at paragraphs 27-29 of the Sterling Report

⁴¹ Sterling Report at paragraphs 31-36

⁴² Sterling Report at paragraphs 37-38

⁴³ Rail is analysed at paragraphs 44-52 of the Sterling Report

124. In terms of bus/coach, the Applicant assumes that market forces will dictate service delivery, which again fails to provide any certainty that the mode share target can be achieved. The Transport Assessment evidences Gatwick's lack of control over bus/coach and lack of commitment to levels of service and funding.
125. Finally, the proposed sustainable transport mitigations are limited in scope and local in nature. The Applicant's uncertain position as regards incentives and active travel measures has led to an undefined and unfunded future surface access strategy, which cannot provide confidence that sustainable travel targets would be delivered.⁴⁴ Concerns over the Applicant's commitment to advance active travel and public transport were raised by a number of parties at ISH4 and ISH2.
126. The Applicant's flawed transport analysis has material implications for other parts of the ES, including air quality and noise.⁴⁵ To the extent that those draw on the transport assessment, they too cannot be relied upon.

AIR QUALITY

127. Air Pollution Services have produced an expert report ("the APS Report") on behalf of CAGNE (provided as Appendix 3 to these submissions), which identifies significant omissions, errors, and uncertainties in the Applicant's Air Quality Assessment ("AQA"), such that it is impossible to have confidence that there will be an acceptable impact. CAGNE considers the impact will be unacceptable.
128. First, the AQA fails to assess adequately the impact of the NRP on ultrafine particles ("UFP"), for which PM2.5 is not a good proxy.⁴⁶ Evidenced health effects of UFP include increased cardiovascular ischemic heart disease and pulmonary mortality.⁴⁷ Whilst there is insufficient information to quantify fully the impact of aircraft on UFP emissions, increasing airport activity is likely to increase emissions in nearby

⁴⁴ Sterling Report at paragraphs 57-60

⁴⁵ Sterling Report at paragraph 15

⁴⁶ APS Report at paragraph 1.11, paragraphs 2.37-2.46, and paragraph 5.4

⁴⁷ APS Report at paragraph 3.17

residential areas, such that some qualitative or quantitative assessment should have been carried out.⁴⁸

129. Secondly, the AQA fails to take proper account of uncertainties relating to estimates of emissions, dispersion modelling, and modelled NO₂ concentrations.
- a. No comparison of the modelled and measured PM₁₀ or PM_{2.5} concentrations has been provided, such that reliability of the predicted data is unclear.⁴⁹ Given acknowledged uncertainties, the 2040 target (as opposed to the interim 2028 target) or a linear interpolation should have been used for PM_{2.5} concentration modelling in 2029, 2032, and 2038.⁵⁰
 - b. Estimated aircraft NO_x emissions are based on uncertain assumptions, limited data and incomplete information.⁵¹ Further, the considerable uncertainties regarding airport emission inventories and how those impact the robustness of assessments do not appear to have been adequately considered in the AQA.⁵²
 - c. Issues with the dispersion modelling include failure to consider effects of the presence of buildings and other barriers on dispersion of emissions.⁵³
 - d. APS has concerns with the Applicant's verification of modelled NO₂ concentrations. The correlation co-efficient was poor for several monitoring sites (indicating that the model is not representing reality well) and was negative in three zones (which means that as measured concentrations decrease, the modelled concentration increases, indicating poor performance of the model).⁵⁴
 - e. There are also flaws in the Applicant's analysis of hourly mean NO₂ standard exceedances, which should have been based on airport measurements rather than locations where road traffic is the dominant source of NO₂.⁵⁵
130. In all, there are considerable uncertainties in the emissions' estimates and dispersion modelling for all pollutants. APS have little confidence in the baseline modelling.⁵⁶

⁴⁸ APS Report at paragraph 2.46, paragraphs 3.16-3.24

⁴⁹ APS Report at paragraph 1.12, paragraphs 2.30-2.31, paragraph 2.35

⁵⁰ APS Report at paragraphs 1.14-1.22

⁵¹ APS Report at paragraphs 2.5-2.8

⁵² APS Report at paragraph 2.9

⁵³ APS Report at paragraph 2.20-2.21

⁵⁴ APS Report at paragraphs 2.22-2.29

⁵⁵ APS Report at paragraph 2.36

⁵⁶ APS Report at paragraph 5.1

131. Thirdly, APS questions the Applicant’s approach to analysis of significance. The air quality impact at human receptors in all future “with NRP” scenarios (including the construction scenarios) are predicted to be not significant.⁵⁷ However, it is unclear how the assumptions, limitations and uncertainties of the modelling have fed into these judgements on significance.⁵⁸
132. Fourthly, no proper consideration has been given to operational particulate matter (“PM”) emissions from the wear of the runway/roads, re-suspended dust, or the wear of the brakes and tyres.⁵⁹ The assessment should not rely solely on modelled data but should consider the methodology and its uncertainties in the round when determining the magnitude of effects.⁶⁰
133. Finally, to understand the contribution of the airport to national emissions, the AQA should have addressed the National Emissions Ceiling Regulations 2018.⁶¹
134. More generally, APS are concerned that a series of assumptions made at various stages of the AQA generates a lack of confidence that there will be no significant impacts.⁶² The consequences of these omissions and errors flow beyond the air quality modelling to other parts of the ES. For example, the Health and Wellbeing chapter has concluded that the UPF effect will not be significant, relying on the AQA.⁶³

SOCIO-ECONOMICS

135. CAGNE supports and adopts in full NEF’s submissions on the economic and wider benefit-cost impacts of the Development.
136. CAGNE has also produced its own Jobs Creation and Housing Markets Report (January 2023), which concludes that Gatwick’s lack of workers is already causing major

⁵⁷ APS Report at paragraph 4.1

⁵⁸ APS Report at paragraphs 4.9-4.10

⁵⁹ APS Report at paragraph 2.1, paragraphs 2.10-2.18.

⁶⁰ APS Report at paragraph 2.19

⁶¹ APS Report at paragraphs 2.46-2.51

⁶² APS Report at §1.13

⁶³ APS at paragraph 5.5, See also APS’ concerns over the health and wellbeing chapter at paragraphs 3.1-3.15

operational issues and will make a two-runway operation untenable.⁶⁴ This accords with the findings of the Airport Commission from 2015. Key factors include poor rail links, nearby local authority areas having comparatively low levels of unemployment, and competition with Redhill Hospital for staff.

137. Simply put, the jobs offered do not allow workers to afford to live locally without the assistance of local authorities and affordable housing, of which there is a definite lack in areas surrounding the Airport. Indeed, Crawley Borough Council very recently in February 2024 declared a housing emergency.
138. CAGNE also questions the Applicant's suggestion that much of the forecast job creation will come from Gatwick's planned significant growth in freight. Gatwick's planes are 90% short-haul, which do not carry cargo. Any freight would also have to be moved via the M23, as the railway cannot take freight.
139. In the longer term, employment at Gatwick is uncertain and unsustainable, due to inevitable changes to the low-cost airline market and automation and digitalisation.
140. In addition, CAGNE has prepared a short report on cargo forecasts for Gatwick as compared to other London airports.⁶⁵ This identifies two key concerns: the lack of reliable onward surface access available to the airport and freight handler; and Gatwick's lack of suitable on-site infrastructure and logistics to handle increased freight levels. The report notes that Gatwick does not currently attract cargo flights, in contrast with both Heathrow and Stansted.

FLOODING AND SEWAGE

141. CAGNE has serious concerns derived from members' local experiences with the potential flooding and sewage risks of the proposed new runway and taxiways, as detailed in the report it has produced.
142. The Development would add to growing existing problems with flooding and sewage overflow into the waterways that surround and run through the Airport. Prolonged

⁶⁴ Provided at Appendix 12

⁶⁵ Provided at Appendix 14

construction could increase pollution. There is no evidence that the new reed beds proposed would control flooding, as the Applicant has failed to assess their capacity to accommodate specific volumes of water and waste.

143. In light of the flood history, CAGNE are particularly concerned by flooding of the River Mole, including when the Airport and sewage treatment plants discharge water in extreme events. Climate change will make such extreme events more frequent and severe. CAGNE has produced a short report on this matter.⁶⁶

CLIMATE CHANGE

144. As set out at paragraph 5 above, CAGNE supports and adopts in full the submissions by both AEF and NEF on the Development's unacceptable climate impacts. CAGNE maintains the detailed objections set out within its RR but does not repeat those here for concision.

145. In short, it is clear that the Development – which would result in a larger increase in passengers and emissions than any airport expansion since the passing of the Net Zero legislation – would bring about a significant increase in greenhouse gas emissions. There is a high risk that the Airport's target CO₂ reductions will not be achieved without binding annual emissions caps in line with the Government's own trajectory for aviation. To be effective, any such caps should include sufficient monitoring requirements.

OTHER MATTERS

146. Following the first round of ISH, CAGNE is reviewing the information provided by the Applicant as regards the proposed restrictions on the DCO. Any additional comments as to the proposed restrictions will be provided for Deadline 2.

⁶⁶ Provided at Appendix 13

147. In advance of ISH7 (other environmental matters), CAGNE is also reviewing the information provided by the Applicant as regards habitats and biodiversity impact.⁶⁷ This may be a topic that the ExA will want to include within the agenda for ISH7.

CONCLUSION

148. For the reasons set out above and within CAGNE's RR and expert reports, the Application should be refused. The Applicant's assessments are plagued by inconsistencies, inaccuracies, and uncertainties. Not only will the Application undermine national policy, but it will also result in considerable adverse effects, including (but not limited to) harmful impacts on highways, air quality, noise and climate change. These adverse impacts would greatly outweigh any alleged benefits.

12 March 2024

⁶⁷ APP-034 Ecology and Nature Conservation, APP-134 and 135 Habitat Regulation Assessment Report

Communities Against Gatwick Noise Emissions (CAGNE)
Gatwick Airport Northern Runway project DCO application
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DEADLINE 1
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